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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,915	10/26/2005	Neville Hedrick	05-441	6537
34704 7590 01/05/2009 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510				
EXAMINER				
ANDRISH, SEAN D				
ART UNIT		PAPER NUMBER		
3672				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,915

Applicant(s)

HEDRICK, NEVILLE

Examiner

SEAN D. ANDRISH

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 - 18 and 20 - 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 is/are allowed.
- 6) ☒ Claim(s) 16 - 18, and 22 - 26 is/are rejected.
- 7) ☒ Claim(s) 20, 21, and 27 - 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16, 17, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lerich (3,750,519).

Regarding claim 16, Lerich discloses an anchor bolt to be placed in a rock formation, the anchor bolt comprising: a shaft having first (outer perimeter of the downhole face of head 24) and second (20) relatively wide portions and a relatively narrow portion (recessed portion 22) intermediate the wide portions; an anchor (expansion sleeve 30); and the internal surface of the anchor and the external surface of the narrow portion are complementary in shape (Figs. 1, 2, and 6; column 1, lines 2 - 7; column 3, lines 11 - 15 and 23 - 27).

Regarding claim 17, Lerich further discloses a narrow U-shaped portion having a side portion (38) that forms a substantially right angle with the base and the other side portion (head 24) forms an obtuse angle with the base (Fig. 1).

Regarding claim 26, Lerich further discloses a rock engaging plate (washer 48) (Fig. 2).

3. Claims 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (2,398,838). Miller et al. discloses a bolt comprising: a shaft (11) having first and second relatively wide portions and a relatively short, narrow portion (12) intermediate the wide portions; an anchor (inset 15); and the internal surface of the anchor and the external surface of

the narrow portion are complementary in shape (Figs. 2 and 3; column 1, lines 45 - 53; column 2, lines 1 - 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18 and 22 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lerich.

Regarding claim 18, Lerich discloses all of the limitations of the above claim(s) except for the narrow portion of the shaft is a relatively short section. The optimization of proportions in a prior art device is a design consideration within the skill of the art. *In re Reese*, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

Regarding claim 22, Lerich discloses all of the limitations of the above claim(s) except for the anchor is formed of heat treated steel. Lerich teaches a metal anchor (sleeve 30) (column 3, lines 25 - 26). The use of a well known material, such as heat treated steel, with which to construct an anchor member is a design choice within the skill of the art.

Regarding claim 23, Lerich further discloses an anchor (sleeve 30) has a relatively wide portion (end of sleeve 30 adjacent head 24) adjacent the wide portion of the shaft (outer perimeter of the downhole face of head 24) and a portion tapering towards the second end (22) of the shaft (Fig. 6).

Regarding claims 24 and 25, Lerich discloses all of the limitations of the above claim(s) except for the anchor member is nitrated to prevent sticking between the anchor and the shaft. Lerich teaches an anchor (sleeve 30) adapted to slidably fit on the narrow portion (recessed portion 22) (column 3, lines 23 - 25). Since the anchor of Lerich is adapted to slide on the shaft, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have used a well known treatment process such as nitrating the anchor to facilitate the movement of the anchor on the shaft.

Allowable Subject Matter

6. Claim 30 allowed.
7. Claims 20, 21, and 27 - 29 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art fails to teach or suggest a debonding sheath (claims 20 and 21), a stop portion (claims 27 and 28), and a mixing paddle (claim 29).

Response to Arguments

8. Applicant's arguments with respect to claims 16 - 18 and 22 - 26 have been considered but are moot in view of the new ground(s) of rejection.
9. Applicant's arguments, see amendment, filed 22 October 2008, with respect to claims 20, 21, and 27 - 30 have been fully considered and are persuasive. The rejection of claims 20, 21, and 27 - 30 has been withdrawn. Claims 20, 21, and 27 - 29 are objected to because they depend upon rejected claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN D. ANDRISH whose telephone number is (571)270-3098. The examiner can normally be reached on Mon - Fri, 7:30am - 5:00pm, Alternate Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Kreck/
Primary Examiner, Art Unit 3672

SDA
12/31/2008